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Docket No.: PF-0346-1 DIV

Response Under 37 C.F.R. 1.116 - Expedited Procedure

Examining Group 1644

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on February 26, 2002.

By: Katherine Stofor

Printed: Katherine Stofor

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hillman et al.

Title: T-CELL RECEPTOR PROTEIN (AS AMENDED)

Serial No.: 09/405,940

Filing Date: September 27, 1999

Examiner: Ewoldt, G.

Group Art Unit: 1644

Commissioner for Patents

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Washington, D.C. 20231

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TRANSMITTAL FEE SHEET

Sir:

Transmitted herewith are the following for the above-identified application:

Enclosed are the following:

1. Return Postcard;
2. Transmittal Fee Sheet (1 pg., in duplicate);
3. Petition for Extension of Time (one-month., 1 pg.);
4. Response to Notification of Non-Compliance (1 pg.);
5. Copy of Notification of Non-Compliance with 37 CFR 1.192 (c)(3 pgs.);
6. Brief on Appeal (27 pgs., in triplicate);
7. Appendix (1 pg., in triplicate);
8. Six (6) References cited in Brief (1-6)(in triplicate);
9. Declaration of Lars Michael Furness Under 37 §1.132 (13 pgs., in triplicate); and
10. Ten (10) References cited in Declaration (A through J, in triplicate).

The fee has been calculated as shown below.

<input checked="" type="checkbox"/>	Fee for Request for Extension of Time (<u>one</u> month)	\$ 110.00
<input checked="" type="checkbox"/>	Please charge Deposit Account No. 09-0108 the amount of	\$ 110.00

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17, or credit overpayment to Deposit Account No. **09-0108**. **A duplicate copy of this sheet is enclosed.**

Respectfully submitted,

INCYTE GENOMICS, INC.

David G. Streeter

David G. Streeter, Ph.D.

Reg. No. 43,168

Direct Dial Telephone: (650) 845-5741

Date: February 26, 2002

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Palo Alto, California 94304
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Box AF, Commissioner for Patents, Washington, D.C. 20231 on February 26, 2002.
By: Katherine Stofer Printed: Katherine Stofer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Inter Application of: Hillman et al.

Title: T-CELL RECEPTOR PROTEIN (AS AMENDED)

Serial No.: 09/405,940

Filing Date: September 27, 1999

Examiner: Ewoldt, G.

Group Art Unit: 1644

Box AF
Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF NON-COMPLIANCE WITH 37 CFR 1.192(c)

Sir:

In response to the "Notice to Notification of Non-Compliance with 37 CFR 1.192(c)" mailed by the United States Patent and Trademark Office on December 26, 2002, Applicants submit the following documents to complete the filing of the appeal brief for the above-identified patent application:

1. Return Postcard;
2. Transmittal Fee Sheet (1 pg., in duplicate);
3. Petition for Extension of Time (one-month., 1 pg.);
4. Response to Notification of Non-Compliance (1 pg.);
5. Copy of Notification of Non-Compliance with 37 CFR 1.192 (c)(3 pgs.);
6. Brief on Appeal (27 pgs., in triplicate);
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9. Declaration of Lars Michael Furness Under 37 §1.132 (13 pgs., in triplicate); and
10. Ten (10) References cited in Declaration (A through J, in triplicate).

Please charge the following fees to **Deposit Account No. 09-0108**:

If the Patent Office determines that additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) **Deposit Account No. 09-0108**.

If there are any questions regarding the above, the Examiner is invited to call the undersigned at 650-855-0555.

Respectfully submitted,

INCYTE GENOMICS, INC.

David G. Streeter

David G. Streeter, Ph.D.

Reg. No. 43,168

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Date: February 26, 2002

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www.uspto.gov

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MAR 05 2002

PATENT & TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/405,940	09/27/1999	JENNIFER L. HILLMAN	PF-0346-1-DI	1067

7590 12/26/2001

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PALO ALTO, CA 94304

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 12/26/2001

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/405,940	09/27/1999	JENNIFER L. HILLMAN	PF-0346-1-DI	1067

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LUCY J BILLINGS ESQ
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/26/2001

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance with
37 CFR 1.192(c)**

Application No.
09/405,940

Applicant(s)
Hillman et al.

Examiner
G. R. Ewoldt

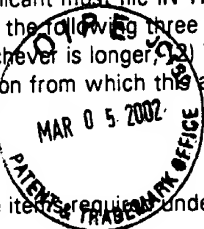
Art Unit
1644



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The Appeal Brief filed on Oct 15, 2001 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer; (2) TWO MONTHS from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.



1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

Brief incorrectly indicates that no claims have been canceled. However, Claims 3-12 were canceled in amendment A, filed 9/27/99. See MPEP 1206.

Pat. J. NOLAN
PATRICK J. NOLAN, PH.D.
PRIMARY EXAMINER

12/26/01